

Interview Summary

Application No. 09/120,044	Applicant(s) Minetti et al.
Examiner S. Devi, Ph.D.	Group Art Unit 1645

All participants (applicant, applicant's representative, PTO personnel):

(1) S. Devi (PTO)

(3) Lynette Smith (PTO)

(2) Ken Sonnenfeld

(4) Darryl Steensma

Date of Interview Dec 7, 2000

Type: Telephonic Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted: Yes No. If yes, brief description:

Applicants' amendments filed in October and May 2000.

Agreement was reached. was not reached.

Claim(s) discussed: All of record, especially claims 1 and 2.

Identification of prior art discussed:

Lock et al.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The newly added "proviso" language and the change in scope that this language introduces to the claims were discussed. What Applicants describe as their "error" introduced to the amendment of May 2000 and how it presented problems to the Office in updating the search based on the new limitations introduced to the claims in May 2000 were discussed. The examiners indicated that the scope of the claims, as amended, was unclear. One of Applicants' representatives indicated that claim 1, as amended currently, includes a modified pneumolysin (with the recited functions) having a substitution at position 172 wherein threonine is substituted with isoleucine and further includes at least one other substitution anywhere between positions 1 and 257. In a follow up telephone call, Mr. Sonnenfeld indicated that Applicants may cancel all claims except those that have already been indicated as allowed via a supplemental After-Final amendment and pursue the rest of the claims in a new application.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

*SD
12/7/00
PTO*

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.